Although the Rules of Practice may give examiners wide latitude in promulgating restriction and election of species requirements, they do not allow the examiners to promulgate such requirements in a manner which excludes major species of disclosed invention from the choices an applicant can make.

Of the claims in elected Group I, claims 1, 2, 4-16, 24 and 56 read on the elected specie of Examples 1 and 1A.

Applicants respectfully traverse this restriction/election requirement. The common inventive concept permeating all claims is that the inventive foams are room temperature curable. Cited US 2003/0069335 does not fairly disclose or suggest such materials. True, this reference does allude to curing "without external heat." *See*, Paragraph [0017]. However, there is no fair suggestion of how this could be done.

In this regard, the law is clear that a reference must be "enabling" before it can serve as invalidating prior art. *In re LeGrice*, 301 F.2d 929, 133 USPQ 365 (CCPA 1962). In other words, the reference must not only disclose or suggest the invention, but in addition the reference must also enable one of ordinary skill in the art, based on the known state of the art at the time, to **make** the invention as well. Otherwise, the reference does not put the invention in the **possession of the public**, which is the *raison d'être* of the patent system.

In this case, although this patent "contemplates" curing without external heat, there is no real disclosure of how this could be done. That is to say, there is no real disclosure of how a resin capable of curing without external heat could be formulated. Therefore, the common inventive feature which ties all claims in this application together is not made unpatentable by this reference.

Accordingly, the rationale underlying this restriction/election requirement is faulty which, in turn, means that this requirement itself is improper.

Respectfully submitted,

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